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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,950	06/10/2005	Jan Wietze Huisman	294-212 PC/D/US	5540
23869 7590 07/24/2009 HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791				
EXAMINER				
HAUTH, GALEN H				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
07/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/529,950

Applicant(s)

HUISMAN, JAN WIETZE

Examiner

GALEN HAUTH

Art Unit

1791

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Christina Johnson/
Supervisory Patent Examiner, Art Unit 1791

Continuation of 11, does NOT place the application in condition for allowance because: With regards to applicant's arguments that there is no reason to add deaeration channels to Arentsen, Arentsen teaches the use of deaeration channels (col 10 In 60-65). With regards to applicant's arguments that the processes of Slaats and Arentsen are not combineable, this argument is not persuasive. Slaats relates to a method of reducing the mold pressure to lower the flash point of a blowing agent in a foaming process leading to uniformity and reduced mold fill time as well as capturing excess material in the overdose space (col 5 In 11-21, 39-42). Arentsen relates to a foaming process with the use of a blowing agent and deaeration channels (col 10 In 60-66). The argument that Slaats does not teach clamping the mold is not persuasive as the method of maintaining a mold seal is not suggested to be incorporated into the Arentsen. The argument that Slaats does not teach the high temperature and pressure of Arentsen is not persuasive as Arentsen teaches that the temperature difference is the cause of the crosslinking (col 5 In 8-13) which is effected through further heating not an instantaneous flash increase (col 12 In 14-21), and Slaats teaches curing the component in the mold once filled (col 5 In 39-42). With regards to applicant's arguments of the use of the disclosure as a roadmap, specifically the effects of reduced pressure on foaming rate, Slaats teaches the improvement of the rate of foaming while reducing the deformation and warping of the article and maintaining uniformity by reducing the temperature at which the blowing agent activates (col 5 In 11-21). With regards to applicant's arguments that a reduced pressure has nothing to do with a boiling point of a blowing agent, this argument is not persuasive as the pressure inherently changes the boiling point temperature on a vapor liquid equilibrium of the blowing agent. With regards to applicant's arguments that Slaats does not teach both the activation of the blowing agent during filling and the reduced mold pressure when the mold is substantially filled, this argument is not persuasive, as Slaats teaches the reduced pressure applied to the cavity prior to filling (col 4 In 65-68) and that the mold is completely filled under reduced pressures (col 5 In 1-16) thus the reduced pressure is maintained to ensure a uniform density of the foamed material and thus activates the blowing agent during all stages of the process. With regards to applicant's arguments that the vents of Arentsen and Slaats are not combineable, this argument is not persuasive as both relate to a source of negative pressure for the mold in a foaming process.